UNITED STATES PATENT AND TRADEMARK OFFICE

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER
KHATRI, ANIL

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/687,157	SIE ET AL.
	Examiner	**Art Unit**	
	Anil Khatri	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,5,7,8,10-15,17,18 and 20-22* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-2, 4-5, 7-8, 10-15, 17-18, 20-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 4-5, 7-8, 10-15, 17-18 and 20-22 rejected under 35 U.S.C. 103(a) as being

unpatentable over *Sartain et al* USPN 6,124,854 in view of *Abecassis* USPN 6,038,367.

Regarding claims 1 and 14

Sartain et al teaches,

receiving a command from the content distributor to store the content at the user location before

a user specifically requests the content, wherein the content comprises a subset of content

available from the content distributor, the subset associated with a premium subscription service

and wherein the content comprises at least one of a video program or an audio program (columns

1-2, lines 66-67 and 1-10, the present invention responds to the need for a more effective, cost-

efficient, group-oriented, interactive video system. In one embodiment, the invention

distributes video programming from a central location to remote sites and then broadcasts

selected video programs from the remote sites to a predefined group of subscribers. This group

of subscribers can then view the video programs on their televisions and/or computers. In the

present patent application, subscriber refers to any consumer who receives the selected video

programming. The individual consumer can control which of a plurality of video programs is broadcast to the predefined group of subscribers) and (column 16,lines 64-67, defining a broadcast program based at least in part on said determined preferred type of video program, wherein said broadcast program includes a subset of said created video programs);

processing the command sent from a remote location with respect to the user location (column 7,lines 35-64, in one embodiment, office 100 and central location 120 perform separate and independent functions. For example, office 100 may compile all of the necessary/desirable video programs for distribution to the remote sites 110, 112 and 114. The video programs then become selectable video programs. In contrast, central location 120 may have different and separate functions. Central location 120 may receive selection information from any one of the subscribers within the multiple subscriber groups and provide that selection information to the earth headend or satellite headend associated with the subscriber who made the selection. For example, central location 120 may receive a "1-900" call from a subscriber. If this occurs, central location 120 provides the necessary prompts such that a video can be selected. Central location 120 then provides the selection information to the appropriate earth headend or satellite headend via, for example, a modem. In addition, central location 120 can track the demographic information described above. This demographic information can then be provided to office 100 so that it can be used for determining which available video programs to provide to each subscriber group. When central location 120 works in conjunction with office 100, all the information within central location 120 is digitized and relayed to office 100 such that communication between office 100 and central location 120 is complete. In an alternative

embodiment, central location 120 processes all of the telephone calls and configures all videos

in the queue. In some embodiments, the telephone calls are processed using an interactive voice

response system. In other embodiments, live operators are employed to perform

these functions);

receiving the content at the user location (column 11, lines 22-30, After obtaining a connection

with one of the remote sites, the user can (1) input selections for more information related to that

remote site, (2) input selections for maintenance purposes, (3) input a special message to a

subscriber who is on the telephone, (4) input a new commercial for insertion into the video

programming, (5) input a special message for the scroll, or the like, and (6) receive status and log

information on remote activity. As the user inputs a selection, these inputs are shown on a

computer screen in the remote site. After all the users are done accessing a particular remote

site, the connection to that remote site is closed);

storing the content at the user location in response to at least the processing the command

(columns 15-16, lines 59-67 and 1-10, remote site 1040 receives videos through the 2-way

satellite network via satellite receiver 1042. After the videos are received, they are downloaded

and stored for future playback. Video storage units 1046 and 1047 are used to store the

downloaded video. Digital video playback unit (DVPU) 1044 supports multiple playback

channels 1054 and 1056, as described above with reference to FIG. 7. In a specific

embodiment, videos are stored by grouping them on multiple hard drives. If a failure occurs on

a hard drive unit, the videos stored on that drive are made unavailable to users. However, video

request and playback continues for the videos remaining on the functional drives. In

another embodiment, video file data is striped across multiple hard disk drives using RAID or

other fault tolerant disk array implementations. If a hard drive failure occurs, this data

redundancy across the drive array ensures that no video data is lost. According to various

embodiments, remote site 1040 is also connected to the system's local area network via LAN

1048). *Sartain et al* does not teach teaches explicitly detecting a user action related to the

content after storage of the content. However, *Abecassis* teaches (column 3, lines 9-22, Once a

video server or Video CD has learned a viewer's content preferences it will thereafter

automatically apply those content preferences to the video map of any content-on-demand video

the viewer has selected. By applying a viewer's video content preferences as they relate to the

video segment map of the selected video, the random access device gains the information to

automatically exclude segments of the video containing material which the viewer does not

wish to view, and to transmit as a logical seamless and continuous video, only those sequential

or non-sequential segments of the video whose content and form of expression are consistent

with the viewer's video content preferences. The resulting version of a video that is provided

each viewer automatically provides scenes of the video at the desired level of explicitness and

detail that the viewer desires. Therefore, it would have been obvious to a person of ordinary

skill in the art at the time of the invention was made to incorporate detection mechanism to

know user's requirements. The modification would have been obvious because one of ordinary

skill in the art would have been motivated to combine teaching into delivering contents to user's

locations with knowing in advance what user wants to gain efficiency and market with the

system.

Regarding claims 2 and 15

Sartain et al teaches,

wherein the content comprises at least one of a commercial, an infomercial, a show, or a movie

(see abstract).

Regarding claims 4 and 5

Sartain et al teaches,

wherein the user location comprises a set top box (see figure 5).

Regarding claims 7, 9-10 and 20

Sartain et al teaches,

wherein the processing the command comprises determining usage rules related to the content

(columns 19-20, lines 19-20 and lines 1-5, wherein said set of criteria includes at least

one of: (1) a relative order in which a plurality of subscriber selections are received, (2) a

duration of said one or more selected video programs, (3) an amount paid by said selecting

subscriber, (4) a number of subscriber-selected video programs included in said updated

broadcast program, and (5) a demographic profile of said group of subscribers).

Regarding claim 8

Sartain et al teaches,

determining a subset of content from a larger set of content available from the content

distributor, wherein the subset of content is associated with a premium subscription service

(column 16, lines 62-67, determining a preferred type of video program based on said collected

historical information; defining a broadcast program based at least in part on said determined

preferred type of video program, wherein said broadcast program includes a subset of said

created video programs);

commanding the user location to store the subset of content from the content distributor without

a user associated with the user location specifically requesting the subset of content, wherein: the

subset of content is stored proximate to the user location (column 19,lines 3-11, defining a

broadcast program based at least in part on said determined preferred type of video program,

wherein said broadcast program includes a subset of said created video programs; receiving a

subscriber selection from a selecting subscriber, said selecting subscriber being a member of said

group of subscribers, said subscriber selection identifying one or more of said created video

programs as a subscriber-selected video program); and

the content distributor is remotely-located from the user location (see abstract, figures 3-9); and

sending the subset of content to the user location for storage before a user specifically requests

the subset of content, wherein the subset of content comprises at least one of a video program or

an audio program (column 6, lines 45-64, One of the advantages of the present invention is its

ability to tailor the available video programming to the tastes of the subscribers in a

particular group. For example, if a specific group of subscribers continually selects alternative-

type music, then more videos which provide alternative-type music can be made available as

videos for selection in that group. Additionally, this invention allows for certain commercials

to be provided to subscriber groups located in areas which respond better to a certain type of

commercial. Thus, commercials can be tailored for a certain group, and then inserted into the

continuous video program being broadcast to that group. In this situation, the commercials can

be updated through a satellite. Moreover, software can be used to automatically determine

which types of videos are preferred by a particular subscriber group. In this arrangement, an

algorithm is used to collect information and to determine the frequency of selection for

each type of available video. When subscribers in the group continually select a certain type of

video for display, software will automatically provide more videos of that type for selection to

the subscriber group).

        Regarding claim 12

Abecassis teaches,

the subset of content is unmentioned in a linear schedule (columns 9-10, lines 62-67 and lines 1-

4, The steps in the production of a content-on-demand video are summarized with respect to the

simplified flow chart 200 of FIG. 2. Each scene, segment, or fragment of a segment on a video

script is reviewed 230 according to an appropriate video descriptive structure, as for example

detailed with respect to FIGS. 1A-D. A screenwriter now has the freedom to expand the scenes

240 by adding parallel, overlapping, and transitional segments, to cover a wider range

of expression without the concern for the limitations inherent in first generation linear

programs).

Regarding claims 13 and 21

Sartain et al teaches,

broadcasting the subset of content to a plurality of user locations (figures 3-6, see summary of

the invention).

Regarding claim 22

Rejection of claim 1 and 8 is incorporated and further claim 22 recites limitation as in

claims 1 and 8 therefore, claim 22 is rejected under same rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Anil Khatri whose telephone number is 571-272-3725. The

examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ANIL KHATRI
PRIMARY EXAMINER